

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

NATIONAL SECURITY ACT OF 1947

SHORT TITLE

That this Act may be cited as the “National Security Act of 1947”.

TABLE OF CONTENTS

Sec. 2. Declaration of policy.

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【Sec. 113A. Detail of other personnel.】

Sec. 113A. Non-reimbursable detail of other personnel.

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TITLE I—COORDINATION FOR NATIONAL SECURITY

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**RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO
THE NATIONAL INTELLIGENCE PROGRAM**

SEC. 105. (a) * * *

(b) **RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.**—Consistent with sections 102 and 102A of this Act, the Secretary of Defense shall ensure—

(1) * * *

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(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence and counterintelligence activities, including defense attaches; and

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(c) **EXPENDITURE OF FUNDS BY THE DEFENSE INTELLIGENCE AGENCY.**—(1) *Subject to paragraphs (2) and (3), the Director of the Defense Intelligence Agency may expend amounts made available to the Director for human intelligence and counterintelligence activities for objects of a confidential, extraordinary, or emergency nature, without regard to the provisions of law or regulation relating to the expenditure of Government funds.*

(2) *The Director of the Defense Intelligence Agency may not expend more than five percent of the amounts made available to the Director for human intelligence and counterintelligence activities for a fiscal year for objects of a confidential, extraordinary, or emer-*

gency nature in accordance with paragraph (1) during such fiscal year unless—

(A) the Director notifies the congressional intelligence committees of the intent to expend the amounts; and

(B) 30 days have elapsed from the date on which the Director notifies the congressional intelligence committees in accordance with subparagraph (A).

(3) For each expenditure referred to in paragraph (1), the Director shall certify that such expenditure was made for an object of a confidential, extraordinary, or emergency nature.

(4) Not later than December 31 of each year, the Director of the Defense Intelligence Agency shall submit to the congressional intelligence committees a report on any expenditures made during the preceding fiscal year in accordance with paragraph (1).

[(c)] *(d) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.*

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[DETAIL OF OTHER PERSONNEL

[SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.]

NON-REIMBURSABLE DETAIL OF OTHER PERSONNEL

SEC. 113A. An officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a non-reimbursable basis, as jointly agreed to by the heads of the receiving and detailing elements, for a period not to exceed two years. This section does not limit any other source of authority for reimbursable or non-reimbursable details.

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COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002

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TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

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SEC. 904. OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) * * *

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(d) FUNCTIONS.—Subject to the direction and control of the National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive shall be as follows:

(1) * * *

(2) NATIONAL COUNTERINTELLIGENCE STRATEGY.—[Subject]

(A) *REQUIREMENT TO PRODUCE.*—Subject to subsection (e), in consultation with appropriate department and agencies of the United States Government, and private sector entities, and based on the most current National Threat Identification and Prioritization Assessment under paragraph (1), to produce [on an annual basis] a strategy for the counterintelligence programs and activities of the United States Government to be known as the National Counterintelligence Strategy.

(B) *REVISION AND REQUIREMENT.*—The National Counterintelligence Strategy shall be revised or updated at least once every three years and shall be aligned with the strategy and policies of the Director of National Intelligence.

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TITLE 10, UNITED STATES CODE

SUBTITLE A—GENERAL MILITARY LAW

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

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SUBCHAPTER I—GENERAL MATTERS

Sec.
421. Funds for foreign cryptologic support.

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429. Appropriations for defense intelligence elements: accounts for transfer; transfer.

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§429. Appropriations for defense intelligence elements: accounts for transfer; transfer

(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of the Treasury shall establish one or more accounts for the receipt of appropriations and other amounts transferred pursuant to subsection (b).

(b) TRANSFERS AUTHORIZED.—(1) There may be transferred to an account established pursuant to subsection (a) the following:

(A) Appropriations transferred by the Secretary of Defense from appropriations of the Department of Defense available for intelligence, intelligence-related activities, and intelligence-related communications.

(B) Appropriations and other amounts transferred by the Director of National Intelligence from appropriations and other amounts available for the defense intelligence elements.

(C) Amounts and reimbursements in connection with transactions authorized by law between the defense intelligence elements and other entities.

(2) The transfer authority of the Secretary of Defense under paragraph (1)(A) is in addition to any other transfer authority available to the Secretary by law.

(c) AVAILABILITY OF APPROPRIATIONS AND AMOUNTS TRANSFERRED.—(1) Appropriations transferred pursuant to subsection (b) shall remain available for the same time period, and shall be available for the same purposes, as the appropriations from which transferred.

(2) Appropriation balances in an account established pursuant to subsection (a) may be transferred back to the account or accounts from which such balances originated as an appropriation refund.

(d) DEFENSE INTELLIGENCE ELEMENTS DEFINED.—In this section, the term “defense intelligence elements” means the agencies, offices, and elements of the Department of Defense that are included within the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

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